APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,461	02/06/2002	Marc Bloomfield	CTX-077 (1545/131)	8406

21323 7590 10/21/2004	EXAMINER
TESTA, HURWITZ & THIBEAULT, LLP	HAILU, TADESSE

TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 February 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _8/6/02, 5/22/03_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the patent application number 10/068,461,

filed 2/6/02.

2.   The application claims priority from US Application number 08/855,977 , filed

on May 14, 1997, now Pat. No. 6,370,552.

3.   The information disclosure statement (IDS) submitted on 8/6/02 and 5/22/03 has

been considered except those references, which do not disclose publishing dates are

not considered. Those references are indicated by indices C17, C18, and C23.

Accordingly, the information disclosure statement is partially considered by the

Examiner.

4.   The pending claims 1-18 are examined herein as follows.

Double Patenting

        A rejection based on double patenting of the "same invention" type finds its
support in the language of 35 U.S.C. 101 which states that "whoever invents or
discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis
added). Thus, the term "same invention," in this context, means an invention drawn to
identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re
Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164
USPQ 619 (CCPA 1970).

        A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in
scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection
based upon 35 U.S.C. 101.

5.   Claims 1-18 are provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claims 1-18 of copending Application No. 10/288,821. This is a

<u>provisional</u> double patenting rejection since the conflicting claims have not in fact been

patented.

Instant application   copending application

1. A method of displaying application-output data in a web browser, the method comprising the steps of:	1. A method of displaying application-output data in a web browser, the method comprising the steps of:
providing a web browser window;	providing a web browser window;
providing at least one application-output window positioned within the web browser window;	Providing at least one application-output window positioned within the web browser window;
receiving window attribute information corresponding to the application-output window via a first virtual channel coupled to the application-output window,	receiving window attribute information corresponding to the application-output window via a first virtual channel coupled to the application-output window,
receiving the application-output data via a second virtual channel coupled to the application-output window;	receiving the application-output data via a second virtual channel coupled to the application-output window;
displaying the application-output window in accordance with the window attribute information;	displaying the application-output window in accordance with the window attribute information;
and displaying the application-output data in the application-output window	and displaying the application-output data in the application-output window
10. A system for displaying application-output data in a web browser, the system comprising:	10. A system for displaying application-output data in a web browser, the system comprising:
A web browser window;	a web browser window;
at least one application-output window displaying the application-output data and positioned within the web browser window;	at least one application-output window displaying the application-output data and positioned within the web browser window;
a first virtual channel receiving window attribute information corresponding to the application-output window, the window attribute information being modifiable independently of the web browser;	a first virtual channel receiving window attribute information corresponding to the application-output window, the window attribute information being modifiable independently of the web browser;
and a second virtual channel receiving the application-output data, wherein the application-output data is displayed in the application-output window in accordance with the window attribute information.	and a second virtual channel receiving the application-output data, wherein the application-output data is displayed in the application-output window in accordance with the window attribute information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-6, 9-14, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Muir et al (US Pat No. 6,088,515).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claims 1 and 10:

Muir discloses a method and system for displaying application-output data in a web browser (Fig. 1). Muir discloses, among other things, providing a web browser window (Fig. 1, #64); Muir also discloses providing at least one application-output window (Fig. 1, # 74) positioned within the web browser window; Muir also discloses receiving window attribute information (e.g. location information) corresponding to the

application-output window via a first virtual channel (the client agent receiving data

from the user, e.g. via an input device) coupled to the application-output window, the

window attribute information being modifiable (via input devices 46 and 50)

independently of the web browser (column 3, lines 13-53); Muir also discloses

receiving the application-output data via a second virtual channel (the client agent

receiving data from the application 36 on the application execution server 24) coupled

to the application-output window (column 3, lines 24-53); Muir also displaying the

application-output window in accordance with the window attribute information (e.g.,

location information) (column 3, lines 24-53); Muir further discloses displaying the

application-output data in the application-output window (column 3, lines 45-53)..

with regard to claims 2 and 11:

Muir also discloses providing a client agent (Fig. 1, #72) monitoring and

responding to events associated with the application-output window, independently of

the web browser (column 4, lines 30-40).

With regard to claims 3 and 12:

Muir also discloses resizing, by the client agent, the application-output window in

response to an input (via input device) received by the client agent (column 3, lines 13-

23).

With regard to claims 4 and 13:

Muir also discloses establishing, independently of the web browser, the first and

second virtual channels (column 3, lines 24-39).

With regard to claims 5 and 14:

Muir also discloses receiving application-output data generated by an unmodified

application program (registration file 88) (column 4, lines 14-29).

With regard to claim 6:

Muir also discloses executing a client agent in response to an application objects

(Fig. 1, #48 and # 56) embedded in a web page (Fig. 1, 44) displayed in the web

browser window, the client agent establishing the first and second virtual channels

independently of the web browser (column 3, lines 24-53).

With regard to claims 9 and 18:

Muir also discloses providing a plurality of application-output windows (Fig. 1,

#44) positioned within the web browser window, each of the application-output

windows displaying application-output data (Fig. 1, 40) received from a different

application server (Fig. 1, 48, and 56, wherein these hyperlinks lead to different server

when selected) (column 3, lines 54-column 4, lines 13).

With regard to claim 17:

Muir also discloses that the application-output window (74) is a child window of

the web browser window (Fig. 1).

Allowable Subject Matter

7.   Claims 7-8, and 15 and 16 objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

CONCLUSION

8.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

9.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TH 10/12/04